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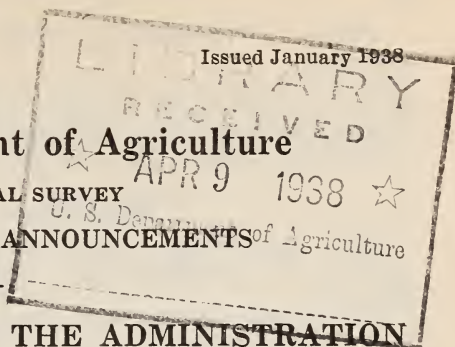
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# United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS of Agriculture



## LAWS AND REGULATIONS FOR THE ADMINISTRATION OF NATIONAL WILDLIFE REFUGES

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## REGULATIONS FOR THE ADMINISTRATION OF NATIONAL WILDLIFE REFUGES UNDER THE JURISDICTION OF THE BUREAU OF BIOLOGICAL SURVEY<sup>1</sup>

[Issued by the Secretary of Agriculture November 23, 1937; effective November 24, 1937—2 F. R. 2954]

### Regulation 1—Definition of Terms

For the purpose of these regulations the following terms shall be construed, respectively, to mean and to include—

*Secretary.*—The Secretary of Agriculture of the United States.

*Chief of Bureau.*—The Chief of the Bureau of Biological Survey, United States Department of Agriculture.

*Regional director.*—Regional director of the Bureau of Biological Survey, United States Department of Agriculture.

*Refuge.*—Refuges, preserves, ranges, reservations, or breeding grounds under the administration of the Secretary of Agriculture.

*Take.*—Molest, pursue, hunt, shoot, kill, trap, capture, or collect, or attempt to molest, pursue, hunt, shoot, kill, trap, capture, or collect, by any means or in any manner.

*Person.*—The plural or singular, as the case demands, of individuals, clubs, associations, partnerships, or corporations, unless the context otherwise requires.

*Officer in charge.*—Refuge manager, assistant refuge manager, United States reservation protector, superintendent, deputy, or the authorized representative of any such officer.

<sup>1</sup> These regulations, except regulations 15, 16, and 17 which are general in scope, are not applicable to the Wichita Mountains Wildlife Refuge, Okla.; the Upper Mississippi River Wildlife and Fish Refuge, Minn., Wis., Iowa, and Ill.; the Bear River Migratory Bird Refuge, Utah; and the Aleutian Islands and Nunivak Island Refuges, Alaska.

Regulations for the foregoing are issued separately, under the dates given, as follows: Wichita Mountains Wildlife Refuge, S. R. A.—B. S. 85, February 1937; Upper Mississippi Refuge, S. R. A.—B. S. 80, December 1934; Bear River Refuge, mimeographed September 28, 1932, amended October 15, 1933, Bi-1233; Aleutian Islands Refuge, S. R. A.—B. S. 74, March 1931; Nunivak Island Refuge, mimeographed, May 12, 1933, Bi-1285. Regulations for the administration of game ranges established in conjunction with the organization of grazing districts under the Taylor Grazing Act are contained in S. R. A.—B. S. 86, issued April 1937.



### Regulation 14—Preservation of Public Property and Natural Features

The destruction, injury, defacement, removal, or disturbance in any manner of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, fireplace, grate, table, bench, camp equipment, or any other public property of any kind; or of any tree, flower, vegetation, rock, or soil; or of any animal, bird, or other form of wildlife is prohibited, except as otherwise provided.

### Regulation 15—Introducing Extralimital Wildlife

Live mammals, birds, fishes, frogs, snakes, or turtles taken elsewhere shall not be introduced, liberated, or placed on any refuge unless authorized by the Chief of Bureau by permit or otherwise.

### Regulation 16—Impounding of Animals<sup>2</sup>

Domestic livestock and dogs trespassing on a refuge may be impounded by the officer in charge. If the owner is known, prompt written notice of the impounding will be served upon him and in the event of his failure to remove the impounded animal within 5 days from delivery of such notice it will be sold or otherwise disposed of as hereinafter prescribed. If the owner is unknown, no sale or other disposition of the animal shall be made until at least 15 days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and posted at the county courthouse. Regional directors and officers in charge of refuges are hereby authorized to order the publication of such notices in newspapers by direct transmittal to the publisher of the standard form of advertising order approved by the Comptroller General. The notice shall state when and where the animal was impounded, shall describe it by brand or earmark or both, or, in the absence of such distinguishing marks, by such other means as are necessary to identify such animal, and shall specify the time and place it will be offered at public sale to the highest bidder in default of redemption by the owner on or before that date. Prior to such sale the owner may redeem the animal by submitting proof of ownership and paying all expenses incurred by the United States for gathering, advertising, pasturing, feeding, and impounding. Upon the sale of any animal in accordance with this regulation, the Chief of Bureau or his authorized representative shall issue a certificate of sale. If an animal impounded under this regulation is offered at public sale and no bid is received, it may, in the discretion of the Chief of Bureau, or the regional director, be sold at private sale or be condemned and destroyed.

In all livestock trespasses on wildlife refuges the value of the forage consumed will be computed at the daily, monthly, or yearly commercial rates prevailing in the locality for the class of livestock found in trespass.

In addition to the damages to wildlife refuge property injured or destroyed, and in order to compensate the United States fully for any loss resulting from trespass by livestock, a charge may be made and added to the value of the forage consumed, which shall include the pro rata salary of refuge officers for the time spent and the expenses incurred in and about the investigations, reports, and prosecution of the case.

### Regulation 17—Sale of Surplus Animals and Products

Within the limitations of the act of June 15, 1935, 49 Stat. 383, the following conditions and requirements are prescribed governing the sale or other disposition of wildlife, including long-horned cattle, wild burros, and wild horses, and hay, timber, grass, or other spontaneous products of the soil that may become surplus to refuge needs or requirements:

*Big-game animals and long-horned cattle.*—The Chief of Bureau shall from time to time determine the number of surplus big-game animals, including long-horned cattle, in the respective herds on fenced big-game refuges under his administration and, upon submitting lists of such animals to the Secretary, shall announce them for sale for propagation, restocking, exhibition, or food, in accordance with such schedule of prices as may be prescribed from time to time by order of the Secretary and under such conditions as the Chief of Bureau may

<sup>2</sup> Instructions for the guidance of refuge officers regarding the impounding of trespassing animals will be found on p. 6.

impose for the safeguarding of the Government's interests. In the sale of such animals preference shall be given to applications for purchase alive for propagation, restocking, or exhibition: *Provided*, That in the discretion of the Chief of Bureau surplus animals may be exchanged for like or other species or they may be donated or loaned to State, county, city, or municipal zoos, parks, or game preserves, or to private institutions for propagation, restocking, or exhibition, the recipients to pay expenses incident to the capture, crating, removal, and transportation of such animals as the Chief of Bureau shall direct.

Surplus animals not disposed of as hereinbefore provided may be transferred to an Indian Agency or other Federal service on application therefor by such agency or service, for restocking, propagation, or food, said agency or service to pay all expenses incident to the capturing or butchering of the animals and their removal and transportation from the refuge.

Substandard animals, carcasses of animals accidentally killed or injured, and hides, heads, horns, or other parts of such animals may be disposed of at public or private sale in the discretion of the Chief of Bureau, at the best price obtainable.

*Fur-bearing animals.*—Under the direction of the Chief of Bureau, fur-bearing animals surplus to refuge needs and requirements or the disposal of which is essential to the maintenance of a balanced wildlife population and management program may be taken and exchanged, sold or donated, to any State or county for restocking or propagation, or they may be trapped and the pelts thereof sold in the open market at the prevailing market price; but the Chief of Bureau may, if consistent with refuge administration, extend public trapping privileges on such refuge, giving preference to local residents of the county or counties in which the refuge is situated, subject to State trapping laws and regulations and to such regulations, conditions, and rates of charge, if any, as the Secretary by order may prescribe, and, unless otherwise provided in the order, under permit issued by the officer in charge.

*Wild burros and wild horses.*—Wild burros and wild horses existing on wildlife refuges surplus to refuge needs and requirements, or the disposal of which is essential to the maintenance of a balanced wildlife population, may be disposed of by private or public sale at the best price obtainable, or they may be otherwise disposed of in the discretion of the Chief of Bureau.

*Wild game birds.*—Wild game birds, including migratory and upland species, propagated, introduced, or maintained on refuges surplus to refuge needs or requirements, or the disposal of which is essential to the maintenance of a balanced population, may be disposed of in such manner and under such conditions as the Chief of Bureau may determine to be appropriate.

*Hay, grass, timber, and other products.*—Hay, grass, timber, or other spontaneous products of the soil produced on any refuge surplus to refuge needs and requirements may be sold by the Chief of Bureau, preference being given to local residents of the county or counties in which the refuge is situated, at prevailing market prices for such products in the locality where produced.

Whenever in the opinion of the Chief of Bureau or the regional director it shall be advantageous to the United States, he may, in his discretion, enter into cooperative agreements with officials, organizations, associations, and individuals for the cultivation of lands of the United States within refuges, whereby specified areas of grain, hay, or other feed and cover for wildlife will be allowed to remain on the refuge in lieu of further consideration for such agreements or permits.

#### Regulation 18—Application for Permits

Applications for permits shall be made in writing and shall be addressed to the regional director of the Bureau of Biological Survey of the region in which the refuge is situated or to the officer in charge of the refuge, when the permits are authorized to be issued by such officers; otherwise, to the Chief, Bureau of Biological Survey, Washington, D. C.

#### Regulation 19—Exhibition and Revocation of Permits

The holder of a permit authorizing him to be upon a refuge shall exhibit it at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration or enforcement of laws or regulations applicable to the refuge and shall furnish such further information as to his identification as may be required by such officer or employee. A permit may be terminated at any time by agreement between the officer in charge and the permittee; it may be revoked by the Chief of Bureau or by the



regional director who issued it for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law, regulation, or order applicable to the refuge, or for violation of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary.

These regulations supersede the regulations of the Secretary of Agriculture of May 7, 1930,<sup>3</sup> for the administration of Federal wildlife refuges, and the regulations of the Secretary of October 5, 1935,<sup>4</sup> relating to the impounding of animals, and of October 14, 1936,<sup>5</sup> relating to the disposal of surplus big-game animals.

## INSTRUCTIONS BY THE CHIEF, BUREAU OF BIOLOGICAL SURVEY, TO OFFICERS IN CHARGE OF NATIONAL WILDLIFE REFUGES RELATIVE TO IMPOUNDING TRESPASSING ANIMALS

### OBJECT OF REGULATION

Regulation 16 (p. 4) is designed to supplement existing procedure in trespass cases and to make more effective the right of the United States to bring action for the recovery of compensation and to enable refuge officers to meet the responsibility imposed upon them by law to adequately protect national wildlife refuges.

### WHEN APPLIED

To the extent of available impounding facilities, this regulation will be applied in all cases where the ownership of trespassing animals is known and the owner is indifferent to the Secretary's regulations or to the requests of refuge officers for removal. Likewise, it will be resorted to in cases where ownership of stock is unknown and in cases where the application of other existing procedure is impracticable or ineffective.

### PROCEDURE

In all cases where animals are discovered in trespass, refuge officers will be governed by the following:

1. The ordinary trespass procedure will be followed in all cases where the circumstances justify.

2. Removal of trespassing animals will be accomplished if possible by notifying the owner, if known, to remove them within a specified time.

3. Impounding or estray laws of the State may be applied where State officials authorized to execute such laws are willing to function and to apply the State procedure and where such laws are applicable and effective.

4. The impounding procedure may be used both when ownership is known and the owner fails to comply with a request for removal and when ownership is unknown. This procedure, however, should be exercised with care and with due consideration for all interests involved.

### ADVERTISING

If the owner of a trespassing animal is known or can be found by inquiry among local stockmen, or by reference to recorded brands or otherwise, written notice that the animal is in trespass will be given him or his agent, either by personal delivery or by registered mail, and he will be given a reasonable length of time, but not to exceed 48 hours, from the receipt of such written notice to remove the animal from the refuge, except that in cases where substantial damage is evident the animal will be immediately impounded. If, however, any dog is found running at large on the refuge, it may be immediately taken up and the owner, if ownership can be ascertained, promptly notified to claim it. Upon failure to do so, the refuge officer should proceed as in the case of other animals.

When the ownership of an animal is unknown or when there is a chance that an animal of unknown ownership may be gathered, notice of impoundment will be advertised by publication in a newspaper serving the community within or adjacent to the area on which the trespass occurred and by posting such

<sup>3</sup> S. R. A.-B. S. 73.

<sup>4</sup> Mimeographed (Bi-1409).

<sup>5</sup> Mimeographed.

notice in at least three conspicuous places, one at the county courthouse. Such notices shall state the area on which animals were trespassing, the kinds of animals impounded, and the fact that they will be offered at public sale in default of redemption by the owners. If all owners of trespassing animals are known and are given written notice, advertising may be dispensed with.

Regional directors and officers in charge of refuges are authorized to order the publication of notices in newspapers by direct transmittal to the publishers of the standard form of advertising order (Form 1053). Such notice shall state when and where the animal was impounded; shall describe it by brand or earmark or both, or, in the absence of such distinguishing marks, by such other means as are necessary to identify it; and shall specify when and where it will be offered at public sale to the highest bidder in default of its redemption by the owner on or before that date. Ordinarily the advertisement will be inserted but once, and the 15-day period will begin with the date of the issue of the paper carrying it. Copies of the notices will also be mailed to prominent stockmen in the vicinity.

In the event an animal the ownership of which is known is found in trespass after the expiration of the 48-hour period from delivery of written notice for its removal, refuge officers will proceed to take it up and impound it and notify the owner in writing, either by personal delivery or by registered mail, that he will be given 5 days within which to pay all costs incident to impounding and to remove the animal. If the owner fails to redeem it within the 5-day period specified, public notice of intention to sell at the expiration of 5 days from the date thereof will be given by posting in the post office and in at least one other public place nearest the place of trespass. In all cases the notice will specify the area from which the animal in trespass was removed, will state when and where impounded, will describe it, either by brands and marks or by other means of identification, and specify the time and place it will be sold. Should proof of ownership of impounded animals be presented before the expiration of notice, the owner will be required to pay all expenses incurred in gathering, pasturing or feeding, and advertising, and all other reasonable expenses incident thereto as hereinafter specified. Upon payment of such amounts the animals will be released to the owner.

If at a public sale held under the regulation no bid is received, refuge officers are authorized to sell trespassing animals at private sale or, in case no private sale can be made, to dispose of them in the most humane manner possible.

No items representing damage on account of any antecedent trespass will be included in the redemption costs. Settlement of expenses incurred in impounding, however, will not relieve the owner of obligation for damage on account of antecedent trespass or prevent institution of suit under existing trespass procedure for the collection of such damages.

#### PAYMENTS

Payments for redemption and sale of animals will be in the form of a certified check, bank draft, or postal money order (personal checks or cash not acceptable), drawn to the order of the "Treasurer of the United States, Washington, D. C.," and forwarded to the Bureau of Biological Survey accompanied by a letter of transmittal for proper disposition. The letter should show the number of animals involved and whether payment is for impounding charges or proceeds from auction or private sale. In case the animals have been redeemed the letter must contain an itemized statement of impounding charges; if the animals have been sold, it must contain the name and address of purchaser and an itemized statement of the impounding charges and the proceeds of the sale.

Payments received in excess of all direct costs (impounding and sale) will be temporarily retained in a special deposit account pending submission of satisfactory proof of ownership by the owner of the trespassing stock. If the owner fails to file the requisite proof within a period of 1 year from the date of sale, appropriate disposition of the funds will be made.

#### CARE OF IMPOUNDED ANIMALS

In every case where animals are impounded under this regulation, refuge officers will provide an adequate enclosure with feed and water sufficient to keep them in good condition during the period for which impounded. Extreme care in handling will be necessary to prevent injury or the possibility of owners claiming damages on account of injury resulting from careless handling or on account of the character of the enclosure in which the animals were retained. Refuge officers may incur any necessary expense incident to the impounding



## LAW PROVIDING PUNISHMENT FOR KILLING OR ASSAULTING FEDERAL OFFICERS

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

That whoever shall kill, as defined in sections 273 or 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1 hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both. (Act of February 8, 1936, 49 Stat. 1105.)

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## ACT REGULATING FIRES ON THE PUBLIC DOMAIN

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000 or imprisoned not more than two years, or both. (Act of March 4, 1909, sec. 52—35 Stat. 1098.)

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (Act of March 4, 1909, sec. 53—35 Stat. 1098.)





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UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF BIOLOGICAL SURVEY

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U. S. Department of Agriculture

AMENDMENT TO REGULATIONS FOR THE ADMINISTRATION OF NATIONAL  
WILDLIFE REFUGES UNDER THE JURISDICTION OF THE BUREAU OF  
BIOLOGICAL SURVEY

By virtue of authority conferred upon the Secretary of Agriculture by Section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222 ), section 84 of the Act of March 4, 1909 (35 Stat. 1104), as amended by Act of April 15, 1924 (43 Stat. 98), and section 401 of the Act of June 15, 1935 (49 Stat. 383), and otherwise, the "Regulations For The Administration of National Wildlife Refuges Under The Jurisdiction Of The Bureau of Biological Survey," issued November 23, 1937 (2 Federal Register, 2954) are hereby amended, effective May 11, 1938, by adding to "Regulation 17 -- Sale of Surplus Animals and Products," at the end of the second paragraph of subtitle "Hay, grass, timber, and other products," the following provision:

Such agreements may provide for the harvesting and delivery to the local representatives of the Bureau of Biological Survey of certain percentages of the harvested crops to be stored and used for feeding wildlife as occasion may require.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of May, 1938.

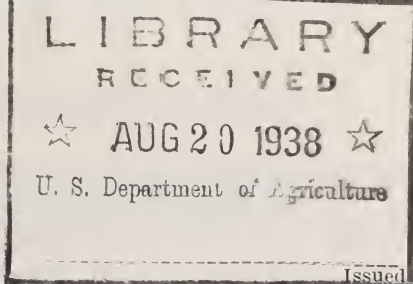
(Signed) H. A. Wallace

Secretary of Agriculture





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S. R. A.—B. S. 91

Issued August 1938

## United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

### SERVICE AND REGULATORY ANNOUNCEMENTS

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## REGULATIONS FOR CARRYING OUT THE FEDERAL AID TO WILDLIFE RESTORATION ACT AND TEXT OF THE LAW

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## REGULATIONS FOR CARRYING OUT THE FEDERAL AID TO WILDLIFE RESTORATION ACT

[Approved by the Secretary of Agriculture, July 12, 1938—3 F. R. 1713]

### Regulation 1.—Definitions

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

*Act.*—The act of Congress approved September 2, 1937, entitled, "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" (50 Stat. 917), commonly referred to as the Pittman-Robertson Act.

*Secretary.*—The Secretary of Agriculture of the United States.

*Biological Survey.*—The Bureau of Biological Survey of the United States Department of Agriculture.

*Authorized representatives of the Secretary.*—The Chief of the Bureau of Biological Survey, or such other officials and employees thereof as he may designate from time to time.

*State fish and game department.*—Any department or division of the department of another name or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

*Wildlife restoration project.*—The selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including research into problems of wildlife management.

*Ten-percent fund.*—Items for engineering, inspection, and unforeseen contingencies not exceeding 10 percent of the total estimated cost of any works to be constructed under the provisions of this act.

*Preliminary and incidental costs.*—Necessary expenses incurred in and about approved projects covered by project agreements, including salaries, subsistence, and travel of personnel; preparation of plans, specifications, and estimates; surveys and conduct of examinations and negotiations for lands.

### Regulation 2.—Information for the Secretary

SECTION 1. Before any agreement is made covering any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, by or on behalf of the State, general information regarding the laws affecting wildlife conservation and the authority of the State and of local officials in ref-

erence to the establishment and maintenance of wildlife projects; the existing provisions of the State constitution or laws relative to revenues for the protection and restoration of wildlife; the funds that will be available to meet the State's share of the cost of work to be performed and the general source of such funds; and provisions made or to be made for maintaining wildlife-restoration projects upon which Federal aid funds will be expended.

SEC. 2. The Secretary or his authorized representatives will, from time to time, request information from the State fish and game departments relative to the maintenance of wildlife-restoration projects initiated under the provisions of the act.

SEC. 3. Data furnished by or on behalf of a State shall be supplemented by such reports of the Biological Survey as the Secretary may from time to time require.

### **Regulation 3.—Project Statement**

SECTION 1. A project statement shall be submitted for each project to be undertaken, which shall contain such fundamental information as the Secretary may require, to be submitted on a form supplied by the Biological Survey, to determine its suitability for wildlife-restoration purposes.

### **Regulation 4.—Surveys, Plans, Specifications, and Estimates**

SECTION 1. The surveys, plans, specifications, and estimates shall show in convenient form and detail the work to be performed and its probable cost, in conformity with standards governing form and arrangement prescribed by the Secretary.

SEC. 2. When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the surveys, plans, specifications, and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or such other showing as the Secretary may require respecting the funds that are made available, indicating the control of the money provided for paying such costs; clearly defining whether the State, county, or other local subdivision will own the lands and/or improvements; and which agency will be responsible for administration and maintenance after the project's completion.

SEC. 3. No payment of any money apportioned under this act, including preliminary or incidental costs and expenses as may be incurred in and about such projects, shall be made on any project unless the statement of the project and plans, specifications, and estimates thereof have been submitted to and approved by the Secretary of Agriculture.

### **Regulation 5.—Project Agreements**

SECTION 1. A project agreement between the State fish and game department and the Secretary shall be executed for each project approved by the Secretary.

### **Regulation 6.—Contracts**

SECTION 1. All contracts, except for the purchase and leasing of lands, shall be based upon free and open competitive bids.

SEC. 2. If a contract be awarded to any other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the work to accept the higher bid.

SEC. 3. A copy of each contract as executed shall be promptly certified by the State fish and game department and furnished to the Secretary, and no alteration or modification which changes the character or extent of the work from that indicated in the plans, specifications, and estimates as approved by the Secretary or which increases the amounts to be paid from the lowest competitive bid, shall be subsequently made without the approval of the Secretary or his authorized representatives.

### **Regulation 7.—Prosecution**

SECTION 1. The State fish and game department shall carry all approved projects through with reasonable promptness.



SEC. 2. The supervision of each project by the State fish and game department shall include adequate and continuous inspection throughout.

SEC. 3. Written notice of commencement and completion of work on any project shall be given promptly by the State fish and game department to the Biological Survey.

SEC. 4. Progress reports showing force employed and work done, shall be furnished as requested by the Secretary or his authorized representatives.

SEC. 5. Suitable samples of materials to be used in construction work shall be submitted by or on behalf of the State fish and game department to the Biological Survey whenever requested, to be tested for suitability and conformity with standard specifications.

#### **Regulation 8.—Records and Cost Accounting**

SECTION 1. Such records of the cost of lands acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project by or under the direction of the State fish and game department who shall report the amount and nature of the expenditure for these purposes, upon the request of the Secretary or his authorized representatives.

SEC. 2. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Secretary or his authorized representatives, and copies thereof shall be furnished when requested.

#### **Regulation 9.—Payments**

SECTION 1. No part of the Federal funds set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary or his authorized representatives that adequate means, either advertising or other devices appropriate for the purpose, were employed to insure economy and efficiency in the expenditure of such money.

SEC. 2. Vouchers in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State fish and game department to the Biological Survey, either after completion of the project, or, if the Secretary has determined to make payments as the work progresses, at intervals of not less than 1 month.

#### **Regulation 10.—Submission**

SECTION 1. Papers and documents required by the act or these regulations to be submitted to the Secretary may be delivered to the Chief of the Bureau of Biological Survey or his authorized representatives, and from the date of such delivery shall be deemed submitted.

#### **Regulation 11.—Personnel**

SECTION 1. The State fish and game department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion.

SEC. 2. Personnel employed by the States from funds apportioned under this act shall be selected on the basis of competency for services to be performed and shall conduct their duties in a manner acceptable to the Secretary.

#### **Regulation 12.—Delegation of Authority**

SECTION 1. The Chief, or Acting Chief, of the Bureau of Biological Survey is hereby designated as the representative of the Secretary, to execute, approve and/or accept in his behalf, preliminary project statements, project agreements, certificates of approval of plans, specifications and estimates, and all other documents which may be necessary or required in the administration of these regulations.

## TEXT OF THE FEDERAL AID TO WILDLIFE RESTORATION ACT

[Approved September 2, 1937—50 Stat. 917]

An Act To provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth; but no money apportioned under this Act to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this Act and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the Governor of the State shall be sufficient. The Secretary of Agriculture and the State fish and game department of each State accepting the benefits of this Act shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this Act and all projects shall conform to the standards fixed by the Secretary of Agriculture.

SEC. 2. For the purposes of this Act the term "wildlife-restoration project" shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

SEC. 3. An amount equal to the revenue accruing during the fiscal year ending June 30, 1939, and each fiscal year thereafter, from the tax imposed by section 610, title IV, of the Revenue Act of 1932 (47 Stat. 169), as heretofore or hereafter extended and amended, on firearms, shells, and cartridges, is hereby authorized to be set apart in the Treasury as a special fund to be known as "The Federal aid to wildlife-restoration fund" and is hereby authorized to be appropriated and made available until expended for the purposes of this Act. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this Act which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

SEC. 4. So much, not to exceed 8 per centum, of the revenue covered into said fund in each fiscal year as the Secretary of Agriculture may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of Agriculture shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of Agriculture, after making the aforesaid deduction, shall apportion the remainder of the revenues in said fund for each fiscal year among the several States in the following manner, that is to say, one-half in the ratio which the area of each State bears to the total area of all the States and one-



half in the ratio which the number of paid hunting-license holders of each State in the preceding fiscal year, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States: *Provided*, That the apportionment for any one State shall not exceed the sum of \$150,000 annually: *Provided further*, That where the apportionment to any State under this section is less than \$15,000 annually, the Secretary of Agriculture may allocate not more than \$15,000 of said fund to said State to carry out the purposes of this Act when said State certifies to the Secretary of Agriculture that it has set aside not less than \$5,000 from its fish and game funds or has made, through its legislature, an appropriation in this amount, for said purposes.

SEC. 5. Within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1939, and on or before February 20 next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of Agriculture to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of Agriculture as herein provided is authorized to be made available for expenditure by the Secretary of Agriculture in carrying out the provisions of the Migratory Bird Conservation Act.

SEC. 6. Any State desiring to avail itself of the benefits of this Act shall by its State fish and game department submit to the Secretary of Agriculture full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of Agriculture finds that such project meets with the standards set up by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. Items included for engineering, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of such works and shall be paid by the State as a part of its contribution to the total cost of such works. If the Secretary of Agriculture approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. No payment of any money apportioned under this Act shall be made on any project until such statement of the project and the plans, specifications, and estimates thereof shall have been submitted to and approved by the Secretary of Agriculture.

SEC. 7. When the Secretary of Agriculture shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided*, That the Secretary of Agriculture may, in his discretion, from time to time, make payments on said project as the same progresses: but these payments, including previous payments, if any, shall not be more than the United States' pro-rata share of the project in conformity with said plans and specifications. Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with rules and regulations made pursuant to this Act. The Secretary of Agriculture and the State fish and game department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture against the said fund to such official or





# United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS AUGUST 1938

U. S. Department of Agriculture

## REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS: 1938<sup>1</sup>

[As approved and proclaimed by the President July 30, 1937 (2 F. R. 1355) ; and amended July 16, 1938 (3 F. R. 1766 DI).]

### Regulation 1.—Definitions of Migratory Birds and Game Mammals

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

#### 1. Migratory game birds:

- (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.
- (b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.
- (c) Rallidae, or rails, including coots, gallinules, and sora and other rails.
- (d) Limicolae (Charadrii), or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.
- (e) Columbidae, or pigeons, including doves and wild pigeons.

#### 2. Migratory insectivorous and other migratory nongame birds:

Cuckoos, flickers and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens, brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers, robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

### Regulation 2.—Definition of Terms

For the purposes of these regulations the following terms shall be construed, respectively, to mean and to include—

*Secretary.*—The Secretary of Agriculture of the United States.

*Chief of the Bureau.*—The Chief of the Bureau of Biological Survey, United States Department of Agriculture.

*Person.*—The plural or the singular, as the case demands, individuals, clubs, associations, partnerships, and corporations, unless the context otherwise requires.

*Take.*—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

*Open season.*—The time during which migratory birds may be taken.

*Transport.*—Ship, transport, carry, export, import, and receive or deliver for shipment, transportation, carriage, exportation, or importation.

<sup>1</sup> Full text of the Migratory Bird Treaty and the Migratory Bird Treaty Act and other Federal laws concerning wildlife conservation may be obtained by consulting Service and Regulatory Announcements, B. S. 87. Persons desiring information regarding further restrictions on seasons, bag and possession limits, and other hunting provisions should communicate with appropriate State officials, whose addresses are given on p. 12.

**Regulation 3.—Means by Which Migratory Game Birds May Be Taken**

The migratory game birds for which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with a shotgun only, not larger than No. 10 gage, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind.

Waterfowl (except for propagation, scientific, or banding purposes under permit pursuant to regulations 8 and 9 of these regulations) and mourning doves and white-winged doves are not permitted to be taken by means, aid, or use, directly or indirectly, of corn, wheat, oats, or other grain or product thereof, salt, or any kind of feed whatsoever, placed, deposited, distributed, scattered, or otherwise put out whereby such waterfowl or doves are lured, attracted, or enticed, regardless of the distance intervening between any such grain, salt, or feed and the position of the taker; and in the taking of waterfowl, the use, directly or indirectly, of live duck or goose decoys is not permitted, regardless of the distance intervening between any such live decoys and the position of the taker; nor shall anything in these regulations be deemed to permit the use of aircraft of any kind, or of a powerboat, sailboat, or other floating craft or device of any kind, for the purpose of concentrating, driving, rallying, or stirring up waterfowl and coot.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

**Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds<sup>2</sup>**

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, and swans), and coot, may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coot), Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons from 7 a. m. to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory, or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

<sup>2</sup> Synopsis of open seasons and bag limits on migratory game birds shown in table 1, pp. 6-7.



**Waterfowl, Wilson's snipe or jacksnipe, and coot.**—The open seasons for waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, New Hampshire, North Dakota, South Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 15 to November 28.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 15 to December 29.

In Alaska north of the summit of the Alaska Range and Kuskokwim-Bristol Bay Divide, September 1 to October 15; south of the Alaska Range and Kuskokwim-Bristol Bay Divide and east of the Naknek River and Lake and Katmai National Monument to the 141st Meridian, September 16 to October 30; southeastern Alaska from the 141st Meridian south to Dixon Entrance, October 1 to November 14; and south and west of Naknek River and Lake and Katmai National Monument to the tip of the Alaskan Peninsula, including all adjacent islands in the Public Domain and Kodiak Island, November 1 to December 15: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, and Rhode Island, from September 15 to October 14, and thereafter from land or water during the open seasons for other waterfowl in said States.

**Rails and gallinules (except coot).**—The open season for rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

New York including Long Island, October 15 to November 28.

Washington and Massachusetts, October 1 to November 30.

Wisconsin, October 1 to November 14.

District of Columbia, no open season.

**Woodcock.**—The open seasons for woodcock shall be as follows, both dates inclusive:

That portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston and Albany Railroad extending from Albany to the Massachusetts State line, and in Michigan, Minnesota, New Hampshire, North Dakota, Pennsylvania, and Vermont, October 1 to October 31.

That portion of New York lying south of the line above described and in Delaware, Indiana, Iowa, New Jersey, Ohio, and West Virginia, October 15 to November 14.

That portion of New York known as Long Island, November 1 to November 30. Arkansas, Kentucky, Maryland, Oklahoma, and Virginia, November 15 to December 15.

Connecticut, and Rhode Island, October 21 to November 20.

Louisiana, January 1 to January 31.

Maine, October 10 to November 9.

Massachusetts, October 20 to November 19.

Missouri, November 10 to December 10.

Wisconsin, October 17 to October 31.

**Mourning doves.**—The open seasons for mourning doves shall be as follows, both dates inclusive:

*Alabama*, in the counties of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, Randolph, and all counties north thereof; *Georgia*, in the counties of Troup, Merriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, Burke, and all counties north thereof; *Mississippi*, north of U. S. Highway 80; and *South Carolina*, in the counties of Aiken, Edgefield, McCormick, Greenwood, Abbeville, Anderson, Oconee, Pickens, Greenville, Laurens, Spartanburg, Cherokee, Union, Fairfield, Chester, and York, September 1 to September 30 and December 20 to January 31.

Alabama, Georgia, and South Carolina, in the counties other than those aforesaid, and Mississippi south of U. S. Highway 80, November 20 to January 31.

Arizona, Arkansas, California, Idaho, Kansas, Minnesota, Missouri, Nevada, New Mexico, Oklahoma, Tennessee, and Virginia, September 1 to November 15.

Delaware and Maryland, September 1 to September 30 and November 15 to December 31.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That portion of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 31.

Louisiana, October 15 to December 31.

North Carolina, September 1 to September 30 and December 20 to January 31.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt, and all counties north thereof, and in the counties of Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin, September 1 to October 31; in the remainder of the State, September 15 to November 15.

**White-winged doves.**—The open season for white-winged doves shall be as follows, both dates inclusive:

Arizona, August 1 to September 15.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt, and all counties north thereof, and in the counties of Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin, September 1 to October 31; in the remainder of the State, September 15 to November 15.

**Band-tailed pigeons.**—The open seasons for band-tailed pigeons shall be as follows, both dates inclusive:

Arizona and Oregon, October 16 to October 30.

California, December 1 to December 15.

New Mexico, October 1 to October 15.

Washington, September 16 to September 30.

#### Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds<sup>s</sup>

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

**Ducks** (*except wood duck*).—Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy.

**Geese and brant** (*except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's goose*).—Five in the aggregate of all kinds, and any person at any one time may possess not more than 10 in the aggregate of all kinds.

**Rails and gallinules** (*except sora and coot*).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

**Sora.**—Fifteen, and any person at any one time may possess not more than 15.

**Coot.**—Twenty-five, and any person at any one time may possess not more than 25.

**Wilson's snipe or jacksnipe.**—Fifteen, and any person at any one time may possess not more than 15.

**Woodcock.**—Four, and any person at any one time may possess not more than 4.

**Mourning doves and white-winged doves.**—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

<sup>s</sup> See footnote 2, p. 2.



**Band-tailed pigeons.**—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

#### **Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds**

Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, and brant, shall be transported by any one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory, or the District of Columbia, to or through another State or Territory, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the State or Territory, or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory, or the District of Columbia, from another State or Territory, or the District of Columbia, or from Canada or Mexico, or from any State or Territory, or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

**Migratory game birds imported from countries other than Canada and Mexico.**—Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to any State or Territory during the open season prescribed by said regulation 4 for such State or Territory for that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Territory, or District for an additional period of 10 days immediately succeeding such open season, in numbers by any one person in 1 calendar week not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, and brant, if transportation and possession of such birds is not prohibited by such State, Territory, or District and if transported in packages marked as hereinbefore provided in this regulation.

#### **Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska**

In Alaska Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murre, and puffins and their eggs and skins for the use of themselves and their immediate families for food and clothing.



TABLE 1.—Synopsis of open seasons and bag limits on migratory game birds

State	Duck, goose, brant, coot, Wilson's snipe (jacksnipe)	Rail, gallinule	Woodcock	Band-tailed pigeon	Dove
Alabama.....	Nov. 15-Dec. 29	Nov. 20-Jan. 31	No open season	-----	(a)
Alaska.....	(a)	-----	-----	-----	-----
Arizona.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	-----	Oct. 16-Oct. 30	(a)
Arkansas.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	Nov. 15-Dec. 15	-----	Sept. 1-Nov. 15
California.....	Oct. 15-Nov. 23	Sept. 1-Nov. 30	-----	Dec. 1-Dec. 15	Sept. 1-Nov. 15
Colorado.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	-----
Connecticut.....	Oct. 15-Nov. 28 <sup>a</sup>	Sept. 1-Nov. 30	Oct. 21-Nov. 20	-----	-----
Delaware.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	(a)
Florida.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	No open season	-----	(a)
Georgia.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	No open season	-----	(a)
Idaho.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	Sept. 1-Nov. 15
Illinois.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	Sept. 1-Sept. 30
Indiana.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	-----
Iowa.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	-----
Kansas.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	Sept. 1-Nov. 15
Kentucky.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Nov. 15-Dec. 15	-----	Sept. 1-Oct. 31
Louisiana.....	Nov. 15-Dec. 29	Nov. 1-Jan. 31	Jan. 1-Jan. 31	-----	Oct. 15-Dec. 31
Maine.....	Oct. 1-Nov. 14 <sup>a</sup>	Sept. 1-Nov. 30	Oct. 10-Nov. 9	-----	-----
Maryland.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	Nov. 15-Dec. 15	-----	(a)
Massachusetts.....	Oct. 15-Nov. 28 <sup>a</sup>	Oct. 1-Nov. 30	Oct. 20-Nov. 19	-----	-----
Michigan.....	Oct. 1-Nov. 14	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	-----
Minnesota.....	Oct. 1-Nov. 14	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	Sept. 1-Nov. 15
Mississippi.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	No open season	-----	(a)
Missouri.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Nov. 10-Dec. 10	-----	Sept. 1-Nov. 15
Montana.....	Oct. 15-Nov. 23	Sept. 1-Nov. 30	-----	-----	-----
Nebraska.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	-----
Nevada.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	Sept. 1-Nov. 15
New Hampshire.....	Oct. 1-Nov. 14 <sup>a</sup>	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	-----
New Jersey.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	-----
New Mexico.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	-----	Oct. 1-Oct. 15	Sept. 1-Nov. 15
New York.....	Oct. 15-Nov. 28	Oct. 15-Nov. 28	(a)	-----	-----
Long Island.....	Oct. 15-Nov. 28	Oct. 15-Nov. 28	Nov. 1-Nov. 30	-----	-----
North Carolina.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	No open season	-----	(a)
North Dakota.....	Oct. 1-Nov. 14	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	-----
Ohio.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	-----
Oklahoma.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Nov. 15-Dec. 15	-----	Sept. 1-Nov. 15
Oregon.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	Oct. 16-Oct. 30	-----
Pennsylvania.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	-----
Rhode Island.....	Oct. 15-Nov. 28 <sup>a</sup>	Sept. 1-Nov. 30	Oct. 21-Nov. 20	-----	-----
South Carolina.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	No open season	-----	(a)
South Dakota.....	Oct. 1-Nov. 14	Sept. 1-Nov. 30	-----	-----	-----
Tennessee.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	-----	-----	Sept. 1-Nov. 15
Texas.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	-----	-----	(a)
Utah.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	-----
Vermont.....	Oct. 1-Nov. 14	Sept. 1-Nov. 30	Oct. 1-Oct. 31	-----	-----
Virginia.....	Nov. 15-Dec. 29	Sept. 1-Nov. 30	Nov. 15-Dec. 15	-----	Sept. 1-Nov. 15
Washington.....	Oct. 15-Nov. 28	Oct. 1-Nov. 30	-----	Sept. 16-Sept. 30	-----
West Virginia.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	Oct. 15-Nov. 14	-----	-----
Wisconsin.....	Oct. 1-Nov. 14	Oct. 1-Nov. 14	Oct. 17-Oct. 31	-----	-----
Wyoming.....	Oct. 15-Nov. 28	Sept. 1-Nov. 30	-----	-----	-----

\* See "Supplementary information" below.

### SUPPLEMENTARY INFORMATION

#### Zonal and Other Provisions Within Certain States

**Alabama.**—*Mourning dove*, in Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, and Randolph Counties, and all counties north thereof, Sept. 1-Sept. 30 and Dec. 20-Jan. 31; in rest of State, Nov. 20-Jan. 31.

**Alaska.**—*Duck, goose, brant, coot, Wilson's snipe (jacksnipe)*, north of summit of Alaska Range and Kuskokwim-Bristol Bay Divide. Sept. 1-Oct. 15; south of Alaska Range and Kuskokwim-Bristol Bay Divide and east of the Nanek River and Lake and Katmai National Monument to the 141st Meridian, Sept. 16-Oct. 30; southeastern Alaska from the 141st Meridian south to Dixon Entrance, Oct. 1-Nov. 14; south and west of Nanek River and Lake and Katmai National Monument to the tip of the Alaska Peninsula, including all adjacent islands in the public domain and Kodiak Island, Nov. 1-Dec. 15.

**Arizona.**—*Mourning dove*, Sept. 1-Nov. 15. *White-winged dove*, Aug. 1-Sept. 15.

**Connecticut.**—*Scoters (sea coots)*, in open coastal waters beyond harbor lines, Sept. 15-Oct. 14; and thereafter from land and water during open season on other waterfowl.

**Delaware.**—*Mourning dove*, Sept. 1-Sept. 30 and Nov. 15-Dec. 31.

**Florida.**—*Mourning dove*, except in Dade, Broward, and Monroe Counties, Nov. 20-Jan. 31; in these three counties, Oct. 1-Nov. 15.

**Georgia.**—*Mourning dove*, in Troup, Merriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, and Burke Counties and all counties north thereof, Sept. 1–Sept. 30 and Dec. 20–Jan. 31; in rest of State, Nov. 20–Jan. 31.

**Maine.**—*Scoters (sea coots)*, in open coastal waters beyond harbor lines, Sept. 15–Sept. 30. and thereafter from land and water during open season on other waterfowl.

**Maryland.**—*Mourning dove*, Sept. 1–Sept. 30 and Nov. 15–Dec. 31.

**Massachusetts.**—*Scoters (sea coots)*, in open coastal waters beyond harbor lines, Sept. 15–Oct. 14; and thereafter from land and water during open season on other waterfowl.

**Mississippi.**—*Mourning dove*, north of U. S. Highway 80, Sept. 1–Sept. 30 and Dec. 20–Jan. 31; in rest of State, Nov. 20–Jan. 31.

**New Hampshire.**—*Scoters (sea coots)*, in open coastal waters beyond harbor lines, Sept. 15–Sept. 30; and thereafter from land and water during open season on other waterfowl.

**New York.**—*Woodcock*, north of tracks of main line of New York Central Railroad extending from Buffalo to Albany, and north of tracks of main line of Boston and Albany Railroad extending from Albany to the Massachusetts State line, Oct. 1–Oct. 31; in rest of State (except Long Island) Oct. 15–Nov. 14.

**North Carolina.**—*Mourning dove*, Sept. 1–Sept. 30 and Dec. 20–Jan. 31.

**Rhode Island.**—*Scoters (sea coots)*, in open coastal waters beyond harbor lines, Sept. 15–Oct. 14; and thereafter from land and water during open season on other waterfowl.

**South Carolina.**—*Mourning dove*, in Aiken, Edgefield, McCormick, Greenwood, Abbeville, Anderson, Oconee, Pickens, Greenville, Laurens, Spartanburg, Cherokee, Union, Fairfield, Chester, and York Counties, Sept. 1–Sept. 30 and Dec. 20–Jan. 31; in rest of State, Nov. 20–Jan. 31.

**Texas.**—*Mourning dove, white-winged dove*, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin Counties, Sept. 1–Oct. 31; in rest of State, Sept. 15–Nov. 15.

#### Shooting Hours

*Duck, goose, brant, coot*, 7 a. m. to 4 p. m.

*Rail, gallinule, Wilson's snipe (jacksnipe), woodcock, dove, band-tailed pigeon*, 7 a. m. to sunset.

#### Species Having No Open Season

*Shore birds (except woodcock and Wilson's snipe or jacksnipe), wood duck, crane, swan, Ross's goose, snow goose and brant* in States bordering on Atlantic Ocean.

#### Daily Bag and Possession Limits

*Ducks*, 10 in the aggregate, except that the daily bag limit may not include more than 3 of any one or 3 in the aggregate of *canvasbacks, redheads, buffleheads, or ruddy ducks*. *Geese (including brant)*, 5 in the aggregate. *Rails and gallinules (except sora and coot)*, 15 in the aggregate; *sora*, 15; *coot*, 25. *Wilson's snipe (jacksnipe)*, 15. *Woodcock*, 4. *Mourning dove and white-winged dove*, 15 in the aggregate. *Band-tailed pigeon*, 10.

**Not more than 2 days' bag limit of ducks and geese, including brant, and 1 day's limit of other migratory game birds may be possessed at one time.**

#### Hunting Methods

**Permitted:** Shotgun only, not larger than No. 10 gage, fired from the shoulder; a dog; a blind or floating device other than a sinkbox.

**Prohibited:** Automobile; aircraft; sinkbox (battery); power boat, sailboat, or any device towed by power boat or sailboat; automatic-loading or hand-operated repeating shotgun of more than 3-shell capacity in the magazine and chamber combined; live duck or goose decoys; the placing or distributing in any manner of corn, wheat, oats, or other grain or product thereof, salt, or any kind of feed, whereby migratory game birds are lured, attracted, or enticed, regardless of the distance between the location of such food and the taker.

#### Local Names

Following are some of the local names applied to the more common species of ducks:

*Blue-winged teal:* Bluewing, teal, teal duck.

*Bufflehead:* Butterball, butter duck, dipper, dipper duck.

*Canvasback:* Can, canvas, whiteback.

*Cinnamon teal:* Teal, teal duck.

*Gadwall:* Gray duck, redwing, creek duck.

*Greater scaup:* Big bluebill, bay broadbill, scaup, blackhead.

*Lesser scaup:* Bluebill, blackhead, scaup, little bluebill, broadbill, little broadbill.

*Green-winged teal:* Greenwing, common teal, teal duck.

*Redhead:* Fiddler, fiddler duck, redneck.

*Ringneck:* Ringbill, blackjack, blackhead.

*Ruddy duck:* Stiff tail, butterball, ruddy, booby, greaser.

*Shoveler:* Spoonbill, spoony, shovelbill.

*Wood duck:* Summer duck, woody, squealer.

#### Federal Migratory-Bird Hunting Stamp

It is unlawful in the United States for a person over the age of 16 years to take ducks, geese, or brant unless he carries on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written in ink across its face. These stamps cost \$1 and are issued by postmasters. They are not valid after June 30 following date of issue.



**Regulation 8.—Permits to Propagate Migratory Waterfowl**

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory waterfowl or their eggs for propagating purposes, may take such birds or their eggs in such State for such purposes when authorized by a permit issued to him by the Secretary, which permit may limit the species and numbers of birds or eggs that may be taken and the period during which and the locality where they may be taken. Both permits shall be carried on the person of the permittee when he is taking migratory waterfowl or their eggs and shall be exhibited to any person requesting to see them. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to possess, purchase, sell, and transport migratory waterfowl and their increase and eggs for propagating purposes, may possess, purchase, sell, and transport such waterfowl and their increase and eggs for such purposes when authorized by a permit issued to him by the Secretary; but may not purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such waterfowl and their eggs; and migratory waterfowl, except the birds taken under paragraph 1 of this regulation, so possessed may be killed by him at any time and in any manner (except that they may be killed by shooting only during the open season for waterfowl in the State where killed), and the carcasses, with heads and feet attached thereto, may be sold and transported by him to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, a dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no such birds that have been killed shall be bartered, sold, or purchased unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant; the place where the propagating project is to be carried on; the area to be used in the project; the facilities the applicant has for properly caring for the waterfowl; the number of each species of waterfowl in his possession, and how, when, and where they were acquired; and, if the application is for a permit to take migratory waterfowl or their eggs, the species and number of each species or eggs of each species proposed to be taken, and the specific locality where it is proposed to take them.

4. Every permittee shall keep books and records that shall correctly set forth the number of each species of waterfowl and their eggs taken by him, if he holds a permit to take waterfowl, the number of each species of waterfowl and their eggs possessed on the date of the application for a permit, the number of each species reared and killed, the number of each species and their eggs sold and transported, the manner in which they were transported, the name and address of each person from or to whom waterfowl and eggs were purchased or sold, the number and species so purchased or otherwise acquired or sold and whether sold alive or dead, and the date of each transaction. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

5. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records relating thereto.

6. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of migratory waterfowl or their eggs unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in



which he proposes to operate. No permit issued by the Secretary authorizes the transportation of migratory waterfowl or their eggs from Mexico into the United States unless such waterfowl or eggs are accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act.

7. A person may possess and transport, subject to the provisions of paragraph 8 of this regulation, for his own use, without a permit, live migratory waterfowl now legally possessed or hereafter legally acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. Feathers of wild ducks and wild geese legally killed, and feathers of such birds seized and condemned by Federal or State game authorities, may be possessed, purchased, sold, and transported for use in making fishing flies, bed pillows, and mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

8. Every package in which migratory waterfowl or parts or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such waterfowl, parts or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported and the purpose for which the waterfowl or eggs are being shipped or transported.

#### Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory birds or their nests or eggs for scientific purposes may take such birds or their nests or eggs in such State for such purposes when authorized by a permit issued to him by the Secretary. Both permits shall be carried on his person when he is collecting migratory birds thereunder, and shall be exhibited to any person requesting to see them; but nothing herein shall be deemed to permit the taking of any migratory game bird during the open season therefor in any manner or by any means or at any time of the day not permitted by regulations 3 and 4 of these regulations.

2. Applications for permits shall be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of the applicant, his age, the State or Territory in which migratory birds or their nests or eggs are proposed to be taken, the purpose for which they are intended, information sufficient to show that such birds, nests, or eggs permitted to be taken will be devoted to scientific purposes, and the names and addresses of at least two well-known ornithologists, principals, or superintendents of educational or zoological institutions, officials or members of zoological or natural history organizations, or instructors in zoology in high schools, colleges, or universities, from whom may be obtained information respecting the applicant's status as a scientific investigator. The applicant must furnish such other information touching his fitness to be entrusted with a permit as may be called for by the Secretary.

3. A permit may limit the number and species of migratory birds or their nests or eggs that may be taken thereunder, and the places where, time when, and means by which they may be taken, and may authorize the holder thereof, when possessed of an equivalent State permit, to possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes but not to purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such birds, nests or eggs, or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes, without a permit,

but no such birds, nests, or eggs shall be taken without a permit or purchased from, sold to, or exchanged with a person not authorized by these regulations or by a permit issued thereunder to sell, purchase, or exchange them. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

4. A taxidermist, when authorized by a permit issued by the Secretary, may possess any migratory bird, or nest or egg thereof delivered to him for mounting or other preparation by any person who has legally taken or legally possesses it and may transport such bird, nest, or egg in consummation of such purpose when likewise authorized by the State in which such permittee is operating. Every such permittee shall keep books and records correctly setting forth the name and address of each person delivering each migratory bird or nest or egg thereof to him, together with the name of each species, the date of delivery, the disposition of each such bird, nest, or egg and the date thereof, and such books and records shall be available for inspection at all reasonable hours on request of any authorized representative of the Department of Agriculture.

5. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of any migratory bird, or nest or egg thereof, unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of any migratory bird, or part, nest, or egg thereof from Mexico into the United States unless such bird, or part, nest, or egg is accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of Agriculture authorized to enforce the Migratory Bird Treaty Act. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

6. Every package in which migratory birds or parts, nests, or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds, parts, nests, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, for scientific purposes shall be plainly and clearly marked, labeled, or tagged, on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the specimens contained therein are for scientific purposes.

#### Regulation 10.—Permits to Kill Migratory Birds Injurious to Property

**Community injury.**—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

**Specific injury.**—Upon receipt by the Chief of the Bureau, or the regional director of the Bureau of Biological Survey in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by said Chief of the Bureau or Director, in which permit will be specified the time during which, the means



and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however*, That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on land or water; (2) by means of any gun larger than No. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

Every person exercising any privilege hereinbefore in this regulation provided for shall keep an accurate record of all migratory birds killed by him and whenever requested by the Chief of the Bureau or by the regional director shall submit promptly, on a form provided by the Bureau for the purpose, a report correctly stating the species and number of each species of migratory birds killed by him and in any event shall submit such report to the regional director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of any permit or withdrawal of any privilege accorded any person failing to make the report.

#### Regulation 11.—State Laws for the Protection of Migratory Birds

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof, contrary to the laws and regulations of any State or Territory, or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

#### Regulation 12.—Transportation of Game Mammals to and from Mexico

Game mammals, parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of Agriculture, pursuant to section 241 of the Penal Code, to be imported, and the dead bodies, parts, or products of game mammals, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State, Territory, or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved July 31, 1918 (40 Stat. 1912), and all amendments thereof are hereby revoked, but all regulations heretofore adopted and approved pursuant to said act closing areas of land and water or of land or water adjacent to migratory bird sanctuaries, refuges, reservations, and breeding and feeding grounds to the taking of migratory birds, and all orders and permits of the Secretary of Agriculture heretofore made or issued pursuant to said act and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl for propagating purposes, are hereby continued and extended in full force and effect as regulations, orders, and permits adopted and approved or made or issued hereunder.



## OFFICIALS FROM WHOM COPIES OF GAME LAWS MAY BE OBTAINED

- Federal laws:** Secretary of Agriculture, Washington, D. C.; Chief, Bureau of Biological Survey, Department of Agriculture, Washington, D. C.; and regional directors of the Biological Survey with headquarters as follows: 1 (Pacific), 404 U. S. Court House, Portland, Oreg.; 2 (Mountain), 576 Custom House, Denver, Colo.; 3 (Southwestern), 402 Federal Building, Albuquerque, N. Mex.; 4 (West Central), 207-A Federal Office Building, Des Moines, Iowa; 5 (Southern), 1105 Masonic Temple, New Orleans, La.; 6 (East Central), 3174 Plankinton Arcade Building, Milwaukee, Wis.; 7 (Southeastern), 1013 Glenn Building, Atlanta, Ga.; 8 (Northeastern), 310 Federal Building, Portland, Maine; 9 (Plains), Box 1269 Omaha, Nebr.; 10 (Alaska), Alaska Game Commission, Juneau.
- Alabama:** Department of Game, Fish, and Seafoods, Montgomery.
- Alaska:** Executive Officer, Alaska Game Commission, Juneau; or Secretary of Agriculture, Washington, D. C.
- Arizona:** State Game Warden, Phoenix.
- Arkansas:** Secretary, Game and Fish Commission, Little Rock.
- California:** Executive Officer, Fish and Game Commission, Ferry Building, San Francisco.
- Colorado:** State Game and Fish Commission, Denver.
- Connecticut:** Superintendent of Fisheries and Game, Hartford.
- Delaware:** Chief Game and Fish Warden, Dover.
- District of Columbia:** Superintendent Metropolitan Police, Washington.
- Florida:** Commission of Game and Fresh Water Fish, Tallahassee.
- Georgia:** Director, Division of Wildlife, Department of Natural Resources, State Capitol, Atlanta.
- Hawaii:** Fish and Game Division, Commissioners of Agriculture and Forestry, Honolulu.
- Idaho:** Fish and Game Warden, Boise.
- Illinois:** Director, Department of Conservation, Springfield.
- Indiana:** Director of Fish and Game, Conservation Department, State House, Indianapolis.
- Iowa:** Director, State Conservation Commission, Des Moines.
- Kansas:** State Fish and Game Warden, Pratt.
- Kentucky:** Director of Game and Fish, Department of Conservation, Frankfort.
- Louisiana:** Commissioner of Conservation, Court Building, New Orleans.
- Maine:** Commissioner of Inland Fisheries and Game, State House, Augusta.
- Maryland:** State Game Warden, 512 Munsey Building, Baltimore.
- Massachusetts:** Director, Division of Fisheries and Game, 20 Somerset Street, Boston.
- Michigan:** Director, Commission of Conservation, Lansing.
- Minnesota:** Commissioner, Department of Conservation, St. Paul.
- Mississippi:** Director of Conservation, State Game and Fish Commission, Jackson.
- Missouri:** State Conservation Commission, Jefferson City.
- Montana:** State Fish and Game Warden, Helena.
- Nebraska:** Director of Conservation, Game, Forestation, and Parks Commission, Lincoln.
- Nevada:** Secretary of State Fish and Game Commission, Reno.
- New Hampshire:** Fish and Game Commission, Concord.
- New Jersey:** Executive Secretary, Board of Fish and Game Commissioners, Trenton.
- New Mexico:** State Game and Fish Warden, Santa Fe.
- New York:** Director of Fisheries and Game, Conservation Department, Albany.
- North Carolina:** Commissioner of Game and Inland Fisheries, Department of Conservation and Development, Raleigh.
- North Dakota:** Game and Fish Commissioner, Bismarck.
- Ohio:** Commissioner of Conservation, Department of Agriculture, Columbus.
- Oklahoma:** State Game and Fish Warden, Oklahoma City.
- Oregon:** State Game Commission, 616 Oregon Building, Portland.
- Pennsylvania:** Executive Director, Pennsylvania Game Commission, Harrisburg.
- Rhode Island:** Chief, Division of Fish and Game, Department of Agriculture and Conservation, Providence.
- South Carolina:** Chief Game Warden, Columbia.
- South Dakota:** Director, State Game and Fish Commission, Pierre.
- Tennessee:** Director of Game and Fish, Department of Conservation, Nashville.
- Texas:** Executive Secretary, Game, Fish, and Oyster Commission, Austin.
- Utah:** Fish and Game Commissioner, Salt Lake City.
- Vermont:** Director, Fish and Game Service, Department of Conservation and Development, Montpelier.
- Virginia:** Executive Secretary, Commission of Game and Inland Fisheries, State Library Building, Richmond.
- Washington:** State Game Commission, 1320 Smith Tower, Seattle.
- West Virginia:** Director of Conservation, Charleston.
- Wisconsin:** Conservation Director, Madison.
- Wyoming:** State Game and Fish Commission, Cheyenne.
- Canada:** Controller, National Parks Bureau, Department of Mines and Resources, Ottawa.
- Alberta:** Game Commissioner, Edmonton.
- British Columbia:** Game Commission, 411 Dunsmuir Street, Vancouver.
- Manitoba:** Director of Game and Fisheries, Winnipeg.
- New Brunswick:** Chief Game Warden, Fredericton.
- Northwest Territories:** Director of Lands, Parks, and Forests, Department of Mines and Resources, Ottawa, Ontario.
- Nova Scotia:** Department of Lands and Forests, Halifax.
- Ontario:** Department of Game and Fisheries, Toronto.
- Prince Edward Island:** Game Inspector, Department of Agriculture, Charlottetown.
- Quebec:** General Superintendent of Fisheries and Game, Quebec.
- Saskatchewan:** Game Commissioner, Department of Natural Resources, Regina.
- Yukon:** Territorial Secretary, Dawson.
- Newfoundland:** Clerk, Game and Inland Fisheries, Department of Natural Resources, St. Johns.
- Mexico:** Jefe. Departamento Forestal y de Caza y Pesca, Calle de Edison 145, City of Mexico, D. F.



